EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1516-PWS-E **TCEQ ID:** RN101255800 **CASE NO.:** 34636

RESPONDENT NAME: City of Tatum

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Public water sup SMALL BUSINESS:YesX OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Region CONTACTS AND MAILING LIST:	_ No re are no complaints. There is no record of addition and the ED and the Respondent has expressed an integister comment period expired on March 10, 2008. or: None r: Ms. Yuliya Dunaway, Enforcement Division, Enforcement	al pending enforcement actions regarding this erest in this matter. No comments were received. orcement Team 2, MC R-13, (210) 403-4077;

RESPONDENT NAME: City of Tatum **DOCKET NO.:** 2007-1516-PWS-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED and Z Type of Investigation: Total Assessed: \$2,343 **Ordering Provisions:** Complaint The Order will require the Respondent to: X Routine **Total Deferred: \$468** Enforcement Follow-up X Expedited Settlement a. Within 30 days after the effective date of Records Review this Agreed Order: Financial Inability to Pay Date(s) of Complaints Relating to this i. Prepare and begin maintaining a Case: None SEP Conditional Offset: \$0 thorough plant operations manual for Date of Investigation Relating to this Case: operator review and reference; Total Paid to General Revenue: \$1,875 July 18, 2007 ii. Provide a functional ventilation fan Site Compliance History Classification where the anhydrous ammonia is housed; Date of NOV/NOE Relating to this Case: High ___ Average Poor September 7, 2007 (NOE) iii. Prepare and begin maintaining an up-Person Compliance History Classification to-date chemical and microbiological Background Facts: This was a routine High X Average Poor monitoring plan; investigation. Major Source: ___ Yes _X_ No iv. Ensure that monthly water works WATER operation reports and maintenance records Applicable Penalty Policy: September 2002 are properly completed and maintained, 1) Failed to prevent livestock from being including but not limited documenting within 50 feet of the water supply well [30 activities of water line repairs; TEX. ADMIN. CODE § 290.41(c)(1)(D)]. 2) Failed to secure a sanitary control v. Ensure that the calcium easement covering all property within 150 hypochlorination solution container is feet of the water system's two active wells completely covered and properly sealed; [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. 3) Failed to provide adequate ventilation to vi. Conduct an annual inspection of the system's ground and elevated storage the outside atmosphere for the housed tanks. anhydrous ammonia equipment located at Plant No. 1 [30 Tex. ADMIN. CODE § b. Within 45 days after the effective date 290.42(e)(6)]. of this Agreed Order, submit written certification and include detailed 4) Failed to compile and maintain a thorough supporting documentation to demonstrate plant operations manual for operator review compliance with Ordering Provision a. and reference [30 Tex. ADMIN. CODE § 290.42(1)]. c. Within 60 days after the effective date of this Agreed Order: 5) Failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks i. Submit documentation to show that the interior coating applied to the ground and failed to initiate maintenance and storage tank at Plant No. 3 conforms to housekeeping practices to ensure the good ANSI/NSF 61 Standard; and working condition and general appearance of the systems facilities and equipment [30 Tex. ii. Repair the barbed wire on the intruder-ADMIN. CODE §§ 290.43(e) and 290.46(m)]. resistant fence around the raw water storage tank at Plant No. 2 and trim or 6) Failed to maintain records of water works remove tree branches and vines that are operation and maintenance activities and growing through the fence around the make them available to Commission elevated storage tank and standpipe at personnel at the time of the investigation [30] Plant No. 2. Tex. Admin. Code § 290.46(f)].

RESPONDENT NAME: City of Tatum **DOCKET NO.:** 2007-1516-PWS-E

- 7) Failed to inspect the system's ground and elevated storage tanks annually [30 Tex. ADMIN, CODE § 290.46(m)(1)(A)].
- 8) Failed to provide documentation that all chemicals or replacement process media used in the interior coating applied to the ground storage tank at Plant No. 3 conform to American National Standards
 Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for indirect additives [30 Tex. ADMIN. CODE § 290.42(j)].
- 9) Failed to develop and maintain an up-todate chemical and microbiological monitoring plan for the water system [30 Tex. Admin. Code § 290.121(a)].
- 10) Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants [30 Tex. ADMIN. CODE § 290.42(e)(5)].

- d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Obtain a sanitary control easement that covers the land within 150 feet of each well, as required by 30 Tex. ADMIN. CODE § 290.41 or obtain an exception to the rule; and
- ii. Ensure that livestock are not allowed within 50 feet of each well.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.

Additional ID No(s).: 2010034

(x,y) = (x,y) + (x,y

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002)	PCW Revision June 26, 2007
DATES Assigned 10-Sep-2007	
RESPONDENT/FACILITY INFORMATION Respondent City of Tatum Reg. Ent. Ref. No. Facility/Site Region 5-Tyler Major/Minor Source Minor	
CASE INFORMATION Enf./Case ID No. 34636 Docket No. 2007-1516-PWS-E Media Program(s) Multi-Media Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000	
Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties) Subto	otal 1 \$1,910
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History 7% Enhancement Subtotals 2, 3 The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one dissimilar prior NOV.	, & 7 \$133
Culpability No 0% Enhancement Subtr	otal 4 \$0
Notes The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria.	otal 5 \$0
Total EB Amounts \$476 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$3,450	otal 6 \$0
SUM OF SUBTOTALS 1-7	stotal \$2,043
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the Indicated percentage. (Enter number only; e.g30 for -30%.) Adjusting the final Subtotal by the Indicated percentage.	tment \$300
Notes Enhancement recommended for recovery of avoided costs of compliance.	
Final Penalty An STATUTORY LIMIT ADJUSTMENT Final Assessed Pe	
DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	tment -\$468
Notes Deferral offered for expedited settlement.	
PAYABLE PENALTY	\$1,875

Screening Date 17-Sep-2007 Docket No. 2007-1516-PWS-E PCW Respondent City of Tatum Policy Revision 2 (September 2002) Case ID No. 34636 PCW Revision June 26, 2007 Reg. Ent. Reference No. RN101255800 Media [Statute] Public Water Supply Enf. Coordinator Yuliya Dunaway **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Adjust. Enter Number Here Written NOVs with same or similar violations as those in the current enforcement action 5% NOVs (number of NOVs meeting criteria) Other written NOVs 2% 3 Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory n 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 **0%** Judgments criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal Ó 0% government Convictions Any criminal convictions of this state or the federal government (number of counts) 0 0% Chronic excessive emissions events (number of events) 0% Emissions n Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0% n Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current

enforcement action and one dissimilar prior NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Compliance

History

Notes

Screening Date		Dock	et No. 2007-1516-PWS-E	***************************************	PCW
Respondent				Policy Re	vision 2 (September 2002)
Case ID No.				PC	W Revision June 26, 2007
Reg. Ent. Reference No.			•		
Media [Statute]		ply			
Enf. Coordinator Violation Number					
Rule Cite(s)		30 Tex. Admin, Code	§ 290.41(c)(1)(D)		
Violation Description	Specifically, at	the time of the investigation,	ithin 50 feet of the water supply it was noted that a livestock fer restock feces were observed ad all.	nce was	
			Bas	e Penalty	\$1,000
>> Environmental, Property a	ind Human He	alth Matrix			
Zirin Ginner, Lan, Tropolo, S	***************************************	Harm			
Release	Major M	oderate Minor			
OR Actual			Dorsont 250/		
Potential	X L		Percent 25%		
>>Programmatic Matrix					
Falsification	Major M	oderate Minor			
			Percent 0%		
	n of the water sup		he water supply well could resul mers to a significant amount of ective of human health.		
			Adjustment	\$750	***************************************
					1
				L	\$250
Violation Events					
Number of Vio	olation Events	2	61 Number of violation da	ys	and a second and a
Name of the second seco	Income.			, -	and a second
mark only one with an x	daily monthly quarterly semiannual annual	x	Violation Bas	e Penalty[\$500
-	single event				
Two monthly	y events are recon	nmended from the date of the of screening, September 1	e investigation, July 18, 2007, to 17, 2007.	the date	
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st	
Estimate	d EB Amount	\$55	Violation Final Per	alty Total	\$613
		This	I Assessed Davids to the Co.	 	0040
		inis violation Fina	I Assessed Penalty (adjusted	ior iimits)[\$613

	E	conomic E	Benefit W	orksl	neet		
Respondent	City of Tatum	*****************************	22.6.2000 2.200 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000 1.000				
Case ID No.						al de al de la	
Reg. Ent. Reference No.	RN101255800				F. 1879 (187)		J 14 1 1 4 1
	Public Water S	upply					Years of
Violation No.						Percent Interest	Depreciation
						5.0	. 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		qu					,
item Description	ivo continas or o						
Delayed Costs							
Equipment		1		0.0	. \$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	18-Jul-2007	1-May-2008	0.8	\$3	\$53	\$55
Engineering/construction	2438 Carja (1807)	100000000000000000000000000000000000000	3 (S. 1884) (S. 1884) (S. 1884)	0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			100000000000000000000000000000000000000	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
				0.442		ala somble galage a pr	
Notes for DELAYED costs	from the wa	ter supply well, calc	ulated from the da	ate of the i	investigation to t	livestock are kept and the estimated date of	f compliance.
Avoided Costs	from the wa	ter supply well, calc	ulated from the da	ate of the i	nvestigation to t	he estimated date o	f compliance.
Avoided Costs	from the wa	ter supply well, calc	ulated from the da	ntering it	em (except for	ne estimated date o one-time avoided o	f compliance. costs) \$0
Avoided Costs Disposal Personnel	from the wa	ter supply well, calc	ulated from the da	ntering it	investigation to t em (except for \$0 \$0	ne estimated date o one-time avoided o \$0 \$0	f compliance. sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0	ne estimated date o one-time avoided o \$0 \$0 \$0	f compliance. sosts) \$0 \$0 \$0
Avoided Costs Disposal - Personnel Inspection/Reporting/Sampling Suppiles/equipment	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	from the wa	ter supply well, calc	ulated from the da	ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket I	No. 2007-1516-PWS-E	PCW
Respondent Case ID No.			Po	licy Revision 2 (September 2002)
Reg. Ent. Reference No.				PCW Revision June 26, 2007
	Public Water Supply			***************************************
Enf. Coordinator				
Violation Number	2			
Rule Cite(s)		30 Tex. Admin. Code § 29	90.41(c)(1)(F)	
Violation Description	water system's two act		ering all property within 150 feet of e time of the investigation, there v or well Nos. 2 and 3.	
			Base Pen	alty \$1,000
>> Environmental, Property a	nd Human Health	Matrix		
Release	Harm Major Modera			
OR Actual		ivinor		
Potential		X	Percent 5%	
>> Programmatic Matrix				
>>Programmatic Matrix Falsification	Major Modera	nte Minor		
			Percent 0%	
			I STORY CARRY OF THE STORY OF T	
			ustomers of the water supply to a	
Notes insignifica	nt amount of contamina	ints which would not exceed	levels protective of human health	
<u> </u>		XIII X T XXXXII X X X X X X X X X X X X		<u>8001/2-37/2</u>
			Adjustment	950
***************************************				\$50
_				
Violation Events				
Number of Vio	olation Events 2	61	Number of violation days	***************************************
55.000 Page 1	•		······································	***************************************
unaintenere de la constante de	daily monthly			
mark only one	quarterly		Violation Base Per	nalty \$100
with an x	semiannual			
	annual x		i e	
	Shight event X			
	Two single ev	ents (one for each well) are	recommended.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
		\$8		Total \$123
Estimate	d EB Amount	φΟ	Violation Final Penalty 1	Viai \$123
		This violation Final As	ssessed Penalty (adjusted for lir	nits) \$123

	Е	conomic E	Benefit W	orks	heet		
Respondent	•						
Case ID No.						Marin Control	. • -
Reg. Ent. Reference No.					1.27		
	Public Water Si	ibblà				Percent Interest	Years of
Violation No.	2				and the second		Depreciation
						5,0	15
12.00	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
		,				estitute en	COMMON AND THE OWNERS OF THE O
Delayed Costs							
Equipment	988		S	0,0	\$0	\$0	\$0
Buildings	illa de la companya			0.0	\$0;	\$0	£ .: \$0.
Other (as needed)				0,0	. \$0	, \$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land Record Keeping System	\$200	18-Jül-2007	1-May-2008	0,0	\$0 \$8	n/a n/a	\$0 \$8
Training/Sampling	φΖΟΟ	10-301-2007	1-1VIAY-2000	0.0	φο \$0	n/a	\$0
Remediation/Disposal	2.5			0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs						and file the easeme nated date of compl	
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering	item (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	0.000			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]			and the second second	0.0	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		To make the second		BLOOK YOU	***************************************	ist of a second	13344
							S. Lag.
Approx. Cost of Compliance		\$200			TOTAL		\$8

Screening Date	17-Sep-2007	Docket	No. 2007-1516-PWS-E	PCW
Respondent				Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
	Public Water Supply			
Enf. Coordinator				
Violation Number Rule Cite(s)	3			
Nuie Olie(3)		30 Tex. Admin. Code § 2	290.42(e)(6)	
Violation Description	anhydrous ammonia	equipment located at plant I	utside atmosphere for the hous No. 1. Specifically, at the time nonia is stored was not operation	of the
•			Base F	Penalty \$1,000
>> Environmental, Property a	nd Human Health	Matrix		***************************************
-> Environmental, 1 toperty a	Harn		•	***************************************
Release	Major Modera	ate Minor		***************************************
OR Actual			Barrant 050/	
Potential	<u> </u>		Percent 25%	
>>Programmatic Matrix				***************************************
Falsification	Major Modera	ate Minor	60000000000000000000000000000000000000	
			Percent 0%	
[-				
			nmonia is being housed could e	
Notes personnei	to a significant amount	t of contaminants that would health.	exceed levels protective of hui	nan
			Adjustment	\$750
				\$250
Violation Events				
Number of Vic	olation Events 2	61	Number of violation days	

	daily			***************************************
mark only one	monthly x quarterly		Violation Base I	Penalty \$500
with an x	semiannual		Violation Base i	Charty
	annual			
	single event			
Two monthly	events are recommen	ded from the date of the inve	estigation, July 18, 2007 to the	date of
		creening, September 17, 20	07.	
	terrespondent at an annual contraction of the second second second second second second second second second se		gga arangan arang sagat sada da arang karang dan da	······································
Economic Benefit (EB) for th			Statutory Limit Test	
Estimated	d EB Amount	\$25	Violation Final Penal	y Total \$613
reaseasas		This violation Final Ac	ssessed Penalty (adjusted for	limits) \$613
		This violation i mai As	oocoocu i elialiy (aujuoteu 101	mm.eag

	Ε	conomic <mark>E</mark>	enefit W	orks/	heet		
Respondent	City of Tatum			***********	***************************************	*****************************	. /
Case ID No.	34636					The second second	n, *
Reg. Ent. Reference No.	RN101255800				A Albertain	The Control of the	Salak Calaba
	Public Water S	vlagu			The state of the state of		Years of
Violation No.		-1-12				Percent Interest	Depreciation
						5.0	15
	Item Cost	Data Demiliard	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Required	Filiai Date	Trs	mieresi Saveu	Oneume Costs	CB Amount
Item Description	No commas or \$						

Delayed Costs				-1			
Equipment	\$500	18-Jul-2007	1-Apr-2008	:0.7	\$1	\$24	\$25
Buildings			30. 4	0,0	\$0 ; \$0	\$0::: \$0	\$0;;; \$0
Other (as needed) Engineering/construction		() () () () () () () () () ()		0.0	\$0	\$0	\$0 - \$0
Engineering/construction Land				0.0	\$0	n/a	<u>φυ</u> \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	The delayed o	osts include the amo of the	unt to provide a Investigation to t	working t	forced air ventilati ated date of comp	on system, calculate bliance, _{tradici} y	d from the date
Avoided Costs	ANN	IUALIZE [1] avoided	d costs before e	entering		one-time avoided c	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0 \$0	\$0 \$0
Office (40 ficeded)		n IL		JI 010	ΨΟ	<u> ΨΥ ΄ ΄ Ι</u>	φυ
Notes for AVOIDED costs	W W	AND THE STATE OF T	13643 L				
Approx. Cost of Compliance		\$500			TOTAL		\$25

Screening Date	,	Docl	(et No. 2007-1516-PWS-E	eriteracconstatorios escriberaciones escriberaciones en	PCW
Respondent					evision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.				PO	CW Revision June 26, 2007
	Public Water Supply				
Enf. Coordinator					
Violation Number					***************************************
Rule Cite(s)		30 Tex. Admin. Co	nde 8 290 42(I)		
		oo rex. Admini, oo	de \$ 200.42(I)		
Violation Description	Failed to compile and	d maintain a thorough pla and refer	ant operations manual for oper ence.	ator review	
			Ва	se Penalty	\$1,000
>> Environmental, Property a	ınd Human Health	Matrix			
-> Environmental, i roberty a	Harr				
Release		ate Minor			
OR Actual			Domont 000	7	
Potential			Percent 0%	<u> </u>	
>>Programmatic Matrix					
Falsification	Major Moder	ate Minor		· -	
	x I		Percent 10%		
				75	'
Matrix Notes	100%.c	of the rule requirements	were not met.		
			Adjustment	\$900	
					\$100
Violation Events					deleteronous de la constant de la co
Number of Vid	olation Events 1		61 Number of violation of	lays	
	daily				
	monthly	25311.2			
mark only one	quarterly		Violation Ba	ase Penalty	\$100
with an x	semiannual				
orania de la companya del companya de la companya del companya de la companya de	annual x				* '
***************************************	ango arant <u>. A</u>				
	O	ne single event is recom	mended.		***************************************
Economic Benefit (EB) for th	is violation		Statutory Limit T	'est	
Estimate	d EB Amount	\$11	Violation Final Pe	enalty Total	\$123
		This violation Fina	al Assessed Penalty (adjusted	d for limits)	\$123

Case ID No.	City of Tatum 34636						7. T
Reg. Ent. Reference No.					Qr	and a joine	wert dinning
	Public Water Su	ipply				Percent Interest	Years of
Violation No.	4					reicent interest	Depreciation
						5,0	niventa se 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
1				48 Sec			
Delayed Costs							
Equipment :		66 (65)		0.0	\$0	\$0	\$0
Buildings Other (se needed)				0.0	\$0 \$0	\$0 " " " \$0	\$0 \$0
Other (as needed) Engineering/construction				0,0	\$0 \$0	\$0	\$0 \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	18-Jul-2007	1-Apr-2008	0.7	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			The Pro-	0.0	<u>\$0</u>	n/a	\$0
Notes for DELAYED costs	3	date of	the investigation t	and mair to the est	ntain a plant opera mated date of co	ations manual, calcu mpliance,	llated from the
	3	date of	the investigation t	and mair to the est	ntain a plant opera mated date of co	ations manual, calcu	llated from the
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	3	date of	the investigation t	and mair to the esti	ntain a plant opera mated date of co tem (except for \$0 \$0	ations manual, calcumpliance	lated from the costs)
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	3	date of	the investigation t	and mair to the esti	ntain a plant opera mated date of co item (except for \$0 \$0 \$0	ations manual, calcumpliance.	costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	3	date of	the investigation t	and mair to the esting in the estination in the esting in the esting in the esting in the esting ind	ntain a plant opera imated date of co item (except for \$0 \$0 \$0	ations manual, calcumpliance	source s
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	3	date of	the investigation t	and mair to the esti	itain a plant opera imated date of co item (except for \$0 \$0 \$0 \$0	ations manual, calcumpliance. The street of	sosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	3	date of	the investigation t	and mair to the esti	itain a plant opera imated date of co item (except for \$0 \$0 \$0 \$0 \$0	ations manual, calcumpliance	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	3	date of	the investigation t	and mair to the esti	itain a plant opera imated date of co item (except for \$0 \$0 \$0 \$0	ations manual, calcumpliance. The street of	Sosts Sost
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	3	date of	the investigation t	and mair to the esti	itain a plant opera imated date of co item (except for \$0 \$0 \$0 \$0 \$0	ations manual, calcumpliance	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	3	date of	the investigation t	and mair to the esti	itain a plant opera imated date of co item (except for \$0 \$0 \$0 \$0 \$0	ations manual, calcumpliance	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

The second secon

Screening Date	17-Sep-2007	Docket No. 2007-1516	S-PWS-E	PCW
Respondent			Policy Re	vision 2 (September 2002)
Case ID No.			PC	W Revision June 26, 2007
Reg. Ent. Reference No.				
	Public Water Supply			
Enf. Coordinator				***************************************
Violation Number	5	***************************************		
Rule Cite(s)	30 Tex.	Admin. Code §§ 290.43(e) and 290.46	6(m)	***************************************
Violation Description	system's ground and el- housekeeping practices to of the systems facilities an fence around the raw water fence around the elevat	rly constructed intruder-resistant fence evated storage tanks and failed to initia o ensure the good working condition ar id equipment. Specifically, at the time er storage tank at Plant No. 2 had brokted storage tank and standpipe at Plant es growing through and over the fence	ate maintenance and digeneral appearance of the investigation, the en barbed wire and the No. 2 had trees and	
			Base Penalty	\$1,000
>> Environmental, Property a Release OR Actual Potential >> Programmatic Matrix Falsification Matrix Notes Failure to programmatic Matrix Falsification	Major Moderate Major Moderate Major Moderate povide proper intruder-resiste stomers of the water system	Minor Minor Percent Minor Percent ant protection for the ground and eleva to an insignificant amount of contamic that are protective of human health.	5% 0% ted storage tanks could nants which would not	
		Adjustmer	nt \$950	\$50
Violation Events				
Number of Vi	olation Events 3	61 Number	of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Penalty	\$150
	Three single events	s (one for each location) are recommen	ided.	
Economic Benefit (EB) for the	nis violation	Statute	ory Limit Test	
•	ed EB Amount	\$25 Viola	tion Final Penalty Tota	\$184
name of the second		This violation Final Assessed Pena	alty (adjusted for limits	\$184
		The French of the French of the		,

Reg. Ent. Reference No.	DN101255900						
	Public Water S	upply			e te de la composition della c	Percent Interest	Years of Depreciation
· ioution ito						5.0	18
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs						er distriction	
Équipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	18-Jul-2007	1-Apr-2008	0.7	\$1	\$24	\$25
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		200		0.0	\$0	n/a	\$0
Training/Sampling		Carlotta Control Control		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	2			0.0	\$0	n/a	\$0
	The delayed	caete include the an	count to ropair th	a brakan b	arhad wira and	a out and/or ramous	the trees and
Notes for DELAYED costs	vines growing	through the system	's intruder-resist estimated	ant fences, I date of co	calculated from impliance,	o cut and/or remove the date of the inve	stigation to the
Avoided Costs	vines growing	through the system	's intruder-resist estimated	ant fences, I date of co entering it	calculated from mpliance, em (except for	the date of the inve	stigation to the osts)
Avoided Costs	vines growing	through the system	's intruder-resist estimated	ant fences, I date of co entering ite	calculated from ompliance. em (except for \$0	the date of the inve	stigation to the costs) \$0
Avoided Costs Disposal Personnel	vines growing	through the system	's intruder-resist estimated	ant fences, i date of co	calculated from ompliance, em (except for \$0 \$0	the date of the inve	stigation to the costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	vines growing	through the system	's intruder-resist estimated	ant fences, I date of co	calculated from empliance, em (except for \$0 \$0 \$0	the date of the inve	stigation to the costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	vines growing	through the system	's intruder-resist estimated	ant fences, it date of coentering its 0.0 0.0 0.0 0.0 0.0	calculated from empliance. em (except for \$0 \$0 \$0 \$0	the date of the inve	stigation to the costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	vines growing	through the system	's intruder-resist estimated	ant fences, date of coentering its 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	calculated from empliance, em (except for \$0 \$0 \$0 \$0 \$0	the date of the Inve	**************************************
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	vines growing	through the system	's intruder-resist estimated	ant fences, date of coentering its 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	calculated from ompilance, em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the date of the inve	stigation to the
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	vines growing	through the system	's intruder-resist estimated	ant fences, date of coentering its 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	calculated from empliance, em (except for \$0 \$0 \$0 \$0 \$0	the date of the Inve	**************************************
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	vines growing	through the system	's intruder-resist estimated	ant fences, date of contenting its content fences and content fences are content fences. Content fences are content fences are content fences are content fences are content fences. Content fences are content fences are content fences, and content fences are content fences. Content fences are content fences are content fences, and content fences are content fences. Content fences are content fences are content fences are content fences. Content fences are content fe	calculated from ompilance, em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the date of the inve	**************************************

Screening Dat		Docket	No. 2007-1516-PWS-E	PCW
Control of the Contro	t City of Tatum			Policy Revision 2 (September 2002)
Case ID No				PCW Revision June 26, 2007
Reg. Ent. Reference No Media IStatute	Public Water Supply			
Enf. Coordinate	100 V.			
Violation Numb				
Rule Cite(s)	30 Tex. Admin. Code	§ 290,46(f)	***************************************
Violation Description	make them avai Specifically, at the t	lable to Commission personr ime of the investigation, the (ation and maintenance activition nel at the time of the investiga City failed to document a porti umentation of water line repair	tion. on of all
			Base	Penalty \$1,000
>> Environmental, Property	and Human Health	n Matrix		
Lilling in including in reports	Har			
Releas OR Actu		rate Minor		
OR Actu Potenti			Percent 0%	
	·			
>>Programmatic Matrix				·
Falsificatio	n Major Mode		Percent 1%	<u>^</u>
2 12 jen 4 18 1		X	Percent 1/6	
				eng svijegogija In Donalnovija
Matrix Notes	Approximate	ly 10% of the rule requiremen	nts were not met.	
Notes				
AND CONTRACTOR OF THE CONTRACT			Adjustment	\$990
				\$10
Violation Events				
Number of '	Violation Events 1	61	Number of violation day	S
	daily	94.00% .		
	monthly			
mark only or			Violation Base	Penalty \$10
with an x	semiannual	· · · · · · · · · · · · · · · · · · ·		
	annual single event			
	single event	······································		
		One single event is recomme	nded	
Economic Benefit (EB) for	this violation		Statutory Limit Tes	st
Estima	ted EB Amount	\$7	Violation Final Pen	alty Total \$12
				
		inis violation Final A	Assessed Penalty (adjusted f	or limits) \$12

The state of the s	E	conomic l	Benefit W	/orks	heet		
Respondent	****				epresi.		н ,
Case ID No.	•						
Reg. Ent. Reference No.	}				, gar ere		State of the Property of the Control
	Public Water S	upply					Years of
Violation No.		ирріу				Percent Interest	Depreciation
Violation No.	U						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
**************************************	2.00		* ; · · · · · · · · · · · · · · · · · ·				
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$ 0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	\$200	18-Jul-2007	1-Apr-2008	0.7	\$7	n/a	\$7
Training/Sampling Remediation/Disposal				0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs				0.0	\$0 \$0	n/a	\$0 \$0
Other (as needed)			· · · · · · · · · · · · · · · · · · ·	0.0	\$0 \$0	n/a	\$0.
		,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		0.0	<u> </u>	144	
Notes for DELAYED costs	The delaye					ecord of maintenan	ce activities,
	scoreoconomico g	calculated from the	ne date of the inve	estigation	to the estimated	date of compliance.	
Avoided Costs	ANN	IUALIZE [1] avoide	ed costs before	entering	item (except for	one-time avoided o	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				, 0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]			N. S.	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	250.000			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
1	*	103474					
Notes for AVOIDED costs							
	100000000000000000000000000000000000000	tera de la companya	Service and a service of	4.1.	1984		
					30.80		
13							
Approx. Cost of Compliance		\$200			TOTAL		\$7
and the second of the second							

Screening Date 1		Docke	t No. 2007-1516-PWS-E	PCW
Respondent (City of Tatum		Policy Re	vision 2 (September 2002)
Case ID No. 3	34636		PC	W Revision June 26, 2007
Reg. Ent. Reference No. F	RN101255800			
Media [Statute] F	Public Water Supply	•		
Enf. Coordinator_\	⁄uliya Dunaway			
Violation Number	7			***************************************
Rule Cite(s)		30 Tex. Admin. Code § 2	290.46(m)(1)(A)	
Violation Description	at the time of the inves	stigation, the facility's rav		
			Base Penalty	\$1,000
>> Environmental, Property ar Release OR Actual Potential >>Programmatic Matrix	nd Human Health N Harm Major Moderate X		Percent 10%	
Falsification	Major Moderate	e Minor		
			Percent 0%	***************************************
يا ــــــــــــــــــــــــــــــــــــ			<u> </u>	
Matrix Notes the water system	em and result in custom	ers of the water supply b	anks could compromise the integrity of being exposed to a significant amount of e protective of human health. Adjustment \$900	A
		•	Ī	\$100
Violation Events	3	36	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual x single event		Violation Base Penalty	\$300
	Three annual	events (one per tank) an	e recommended.	
Economic Benefit (EB) for this	s violation		Statutory Limit Test	
Estimated	EB Amount	\$329	Violation Final Penalty Total	\$368
	- L.	······································		
		This violation Final	Assessed Penalty (adjusted for limits)	\$368

Respondent (Case ID No. :	34636				•		
Reg. Ent. Reference No. I					the parent of		ant in the second
Media I Violation No. 7	Public Water Su 7	ıpply				Percent Interest	Years of Depreciation
						5,0	
Item Description	Item Cost	Date Required	Final Date	Yrs	nterest Saved	Onetime Costs	EB Amount
	140 COMMINS OF W		*	20 .	r eg v		
Delayed Costs				a			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0.2
Other (as needed)		*	100000000000000000000000000000000000000	0,0	\$0	\$0	\$0
Engineering/construction	Alexander of the second			0,0	\$0	\$0	\$0 ***
Land Land Record Keeping System				0,0	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling	8.00			0.0	\$0 \$0	n/a n/a	\$0 -
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs	970		See to the second	1 0.0	\$0 \$0	n/a	\$0 \$0
Other (as needed)				1 0.0	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs				1.6		grantet Wagana	
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	entering ite	em (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	18-Jul-2006	18-Jul-2007	1.9	\$29	\$300	\$329
Other (as needed)] 0.0]	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided c		nount to perform he investigation d			tions, Date Require tigation date.	d is 12 months
·	200		A Prince of the		6		

Screening Date		Dock	et No. 2007-1516-PV	/S-E	PCW
Respondent	-			Policy Rev	ision 2 (September 2002)
Case ID No.				PC	V Revision June 26, 2007
Reg. Ent. Reference No.		,			
Media [Statute] Enf. Coordinator					
Violation Number	8				***************************************
Rule Cite(s)					
raio cito(o)		30 Tex. Admin. Coo	de § 290.42(j)		
Violation Description	in the interior	le documentation that all chemir coating applied to the ground sional Standards Institute/Nation Standard 61 for indi	storage tank at Plant N nal Sanitation Foundati	o. 3 conform to	
				Base Penalty	\$1,000
>> Environmental, Property a	nd Human H	ealth Matrix			***************************************
,		Harm			
Release	Major I	Moderate Minor			
OR Actual Potential			Percent	0%	
	<u> </u>				***************************************
>>Programmatic Matrix	Maine	Mandanata Minan			
Falsification	Major	Moderate Minor	Percent	10%	
			1 0.00m	1070	
				ert visit vi Visit i kunsarataka	
Matrix Notes	1	00% of the rule requirements w	vere not met.		
				1.0 (1.0 (1.0 (1.0 (1.0 (1.0 (1.0 (1.0 (10.0
The State of the S			Adjustment	\$900	**·
-			4		\$100
				L	φ100
Violation Events					

announce of the second of the			61 Number of vio	lation days	***************************************
reresentativos	daily				***************************************
vorance and the second	monthly			_	
mark only one	quarterly		Viola	tion Base Penalty	\$100
with an x	semiannual annual				
parane	single event	x			
		One single event is recom	20 2 2 2 ab		
		One single event is recom	meded.		
Economic Benefit (EB) for th	is violation		Statutory L	imit Test	
	_		7	_	
Estimate	d EB Amount	\$4	Violation I	Final Penalty Total	\$123
		This violation Fina	l Assessed Penalty (a	djusted for limits)	\$123
Control of the Contro				_	

Case ID No.							
Reg. Ent. Reference No.					** Will 1 +		
	Public Water S	Supply			Market State	Percent Interest	Years of
Violation No.	8						Depreciation
100000000000000000000000000000000000000		D. D. 1. 1	E. 16.4	17	16 60 1	5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	140 Commac of C						
Delayed Costs			u	a			
Equipment				0,0	\$0	\$0	\$0
Buildings Other (as needed)	40.0		7 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1	0,0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction		0.0000000000000000000000000000000000000		0.0	\$0	\$0	\$0 \$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	\$100	18-Jul-2007	1-Apr-2008	0.7	\$4	n/a	\$4
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			<u> </u>	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs				ertification	on of the chemical	n/a s used for the interio estimated date of co	or coating of the
Notes for DELAYED costs	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the	s used for the interio	or coating of the ompliance.
	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the item (except for	s used for the interior estimated date of co	or coating of the ompliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel	ground s	torage tank, calcu	ated from the date	entering 0.0 0.0	on of the chemical vestigation to the item (except for \$0 \$0	s used for the interior estimated date of co one-time avoided of \$0 \$0	or coating of the ompliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the litem (except for \$0 \$0 \$0	s used for the interior estimated date of co	or coating of the simpliance. sosts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the item (except for \$0 \$0 \$0 \$0	s used for the interior estimated date of co one-time avoided of \$0 \$0 \$0 \$0	or coating of the ompilance. sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the item (except for \$0 \$0 \$0 \$0	s used for the interior estimated date of co	or coating of the ompliance. sosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ground s	torage tank, calcu	ated from the date	pertification of the in	on of the chemical vestigation to the item (except for \$0 \$0 \$0 \$0 \$0	s used for the interior estimated date of co one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	coating of the ampliance. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ground s	torage tank, calcu	ated from the date	certification of the in	on of the chemical vestigation to the item (except for \$0 \$0 \$0 \$0	s used for the interior estimated date of co	or coating of the ompliance. sosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ground s	torage tank, calcu	ated from the date	pertification of the in	on of the chemical vestigation to the item (except for \$0 \$0 \$0 \$0 \$0	s used for the interior estimated date of co one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	coating of the ampliance. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date		Docket I	No. 2007-1516-PWS-E		PCW
Respondent					n 2 (September 2002)
Case ID No.				PCW R	Revision June 26, 2007
Reg. Ent. Reference No.	Public Water Supply				
Enf. Coordinator					
Violation Number					
Rule Cite(s)		30 Tex. Admin. Code §	290 121(a)		
Violation Description			mical and microbiological more of the investigation, the morng locations.		
			Base	Penalty	\$1,000
>> Environmental, Property a	ind Human Health M	latriy			***************************************
OR Release OR Actual Potential	Harm Major Moderate		Percent 0%		
>>Programmatic Matrix	CALLED THE STREET, STR	erregge personal and the all			***************************************
Falsification	Major Moderate	e Minor			
	X		Percent 10%		
Matrix Notes	Approximately 8/	0% of the rule requirement	ts were not met,		
	464 (186 SE L2 SE 1		Adjustment	\$900	H., .
					\$100
*				L	\$ 100
Violation Events					
Number of Vi	olation Events 1	61	Number of violeties days	,	
Number of vic	olation Events 1		Number of violation days	•	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base	Penalty	\$100
	One	single event is recommen	ded.		
Economic Benefit (EB) for th	is violation		Statutory Limit Tes	t	
Estimate	d EB Amount	\$11	Violation Final Pena	ilty Total	\$123
			ssessed Penalty (adjusted fo		\$123
		illis violation final As	osesseu renaity (aujusteu to	л mm(s)	φ123

Modia	RN101255800				10 miles		
Violation No. 9	Public Water Su	nbbla				Percent Interest	Years of Depreciation
VIOLATION NO. 8	j					5.0	Depreciation 15
Item Description	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Accompany of the base of the contract of	EB Amount
item bescription	No commas or \$		1				
Delayed Costs		1		7		T 40 T	00
Equipment Buildings			COLUMN TO SERVICE STATE OF THE	0.0	\$0 \$0	\$0 \$0	\$0 : 44 \$0.47
Other (as needed)	Control of the Contro		2.24	0.0	\$0 \$0	\$0	\$0
Engineering/construction			(<u>.</u>	0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	\$300	18-Jul-2007	1-Apr-2008	0.7	\$11	n/a	\$11
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal	0.000			0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs						ate chemical and mid stimated date of com	
ll:	9050566035600000000000000000000000000000		control of the second	\$24,600,000,000		X 200 (100 (100 (100 (100 (100 (100 (100	
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	entering ite	m (except for	one-time avoided c	osts)
Avoided Costs Disposal	ANN	UALIZE [1] avoide	ed costs before e	entering its	em (except for \$0	one-time avoided o	osts) \$0
	ANN	UALIZE [1] avoide	ed costs before e	0,0	\$0 \$0	\$0 \$0	\$0 :\$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide	ed costs before e	0,0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 :\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	ed costs before e	0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 -\$0 -\$0 -\$0
Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	ed costs before e	0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$ \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	ed costs before e	0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$ \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Date 17-Sep-2007 Docket No. 2007-1516-PWS-E	PCW
Respondent City of Tatum Policy P	Revision 2 (September 2002)
	PCW Revision June 26, 2007
Reg. Ent. Reference No. RN101255800	
Media [Statute] Public Water Supply	
Enf. Coordinator Yuliya Dunaway	
Violation Number 10	a
Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(5)	
Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants. Specifically, at the time of the investigation, the top of the hypochlorination solution container was not properly covered and sealed.	3
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual	
Potential X Percent 5%	,
>>Programmatic Matrix	
Falsification Major Moderate Minor Percent 0%	
TOTOGRAPHICAL TO	
Without proper containment of chemicals customers of the water supply could be exposed to an	
Matrix insignificant amount of contaminants, which would not exceed levels that are protective of human	
Notes health.	
	==1
Adjustment \$95	<u>ol</u>
	\$50
	4.45 Sps
Violation Events	
Number of Violation Events 1 61 Number of violation days	
della della	
daily monthly	
mark only one quarterly Violation Base Penalt	y \$50
with an x semiannual semiannual	
annual Discourse	
single event x	
One single event is recommended.	
One origin dyorica recommended.	8.1 7.1 84
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$2 Violation Final Penalty Total	al \$61
This violation Final Assessed Penalty (adjusted for limit	s) \$61
And the Control of th	

		conomic E	Benefit W	lorks	heet			
Respondent Case ID No.	•							
Reg. Ent. Reference No.					n en ann si	in Color and the Color of the C	in die Versieling	n . 1
	Public Water S	upply				Percent Interest	Years o	f
Violation No.	10					reiceit literest	Depreciati	on
and deficiency					1	5.0	and the second committee of the second	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amou	ınt
Item Description	No commas or \$							
Delayed Costs						38		
Equipment	P	77.57	r i como de la como de	0.0	\$0	\$0	\$0	
Buildings				0.0	\$0	\$0	\$0	
Other (as needed)	\$50	18-Jul-2007	1-Apr-2008	0,7	\$0	\$2	\$2	<u> </u>
Engineering/construction				0.0	\$0	\$0	\$0 \$0	168383
Land				0.0	\$0 \$0	n/a n/a	\$0 \$0	
Record Keeping System		2,700,000		0.0	\$0 \$0	n/a	\$0 \$0	
Training/Sampling				0.0	\$0	n/a	\$0 \$0	
Remediation/Disposal Permit Costs				0.0	\$0	n/a	\$0 \$0	232.4
Other (as needed)				0.0	\$0	n/a	\$0	
Notes for DELAYED costs	The delayed				hypochlorination estimated date of o	solution container, compliance.	alculated fro	om
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before			one-time avoidéd o		
Disposal				0.0	\$0	\$0	\$0	
Personnel				0.0	\$0	\$0	\$0 ***	883888
Inspection/Reporting/Sampling				0,0	\$0	\$0 . \$0	\$0 \$0	\$333
Supplies/equipment	4			0.0	\$0 \$0	\$0	\$0 \$0	3666.60
Financial Assurance [2]	Security Sec		Maria de Maria	0.0	\$0 \$0	\$0 \$0	: \$U \$0	965-63 955-93
ONE-TIME avoided costs [3]				1 0.0	\$0 \$0	\$0 \$0	\$0	
Other (as needed) Notes for AVOIDED costs			49) - 43,744 - 19 33 - 49) - 40,000			Statistics of the state of the		
	12.04.75.70.000.000.000.000.000.000.000.000.0						***	

Compliance History

Rating: 2.49
Site Rating:

Custome	er/Respondent/Owner-Operator:	CN600689624	City of Tatum		Classification	: AVERAGE
Regulate	ed Entity:	RN101255800	CITY OF TATUM		Classification	
ID Numl	ber(s):	PUBLIC WATER WATER LICENS	SYSTEM/SUPPLY	REGIS LICEN	TRATION SE	
_ocation	:		ARMS RD, TATUM, TX, 7			
TCEQ F	Region:	REGION 05 - TY	LER			
Date Co	ompliance History Prepared:	September 11, 20	007			
Agency	Decision Requiring Compliance History:	Enforcement				
Complia	ance Period:	September 01, 20	002 to August 31, 2007			
TCEQ S	Staff Member to Contact for Additional Info	ormation Regarding t	his Compliance History			
Name:	Yuliya Dunaway	Ph	one: (210) 403-40	77		
		Site C	ompliance History Co	mponents		
1. Has t	he site been in existence and/or operation	n for the full five year	compliance period?	Yes		
2. Has t	here been a (known) change in ownerships, who is the current owner?			No N/A		
4. if Ye	s, who was/were the prior owner(s)?			N/A		
5. Whe	n did the change(s) in ownership occur?			N/A		
Compo	onents (Multimedia) for the Site :					
Α.	Final Enforcement Orders, court judge	ements, and consent	decrees of the state of Te	xas and the fe	deral government.	
	N/A					
B.	Any criminal convictions of the state o	f Texas and the fede	ral government			
υ.	N/A	TOXEGUING THE TOTAL	a government.			
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations.	(CCEDS Inv. Track.	No.)			
	1 10/29/2002 (14537) 2 05/17/2006 (460382)					
E.	Written notices of violations (NOV). (C	CCEDS Inv. Track. N	0.)			
	Date: 10/25/2002 (1453)	7)				•
	Self Report? NO	antar 200 SubChan		assification:	Minor	
		•	ter D 290.41(c)(3)(K) een on the casing vent. Cl	assification:	Minor	
	Description: Failure to h	apter 290, SubChap lave a water level ind lse a guage of at lea	licator gauge of at least 3	inches in diam	eter.	
	Self Report? NO	ise a guage of at lea		assification:	Minor	
	Description: Failure to n	apter 290, SubChap naintain proper conc	•	Mary Comme	Maria	
	Self Report? NO Citation: 30 TAC Ch	apter 290, SubChap	ter D 290.45(b)(1)(D)(iii)	assification:	Minor	
			service pump capacity.	assification:	Minor	
	•	apter 290, SubChap	ter D 290.46(f)(3)(E)(iv)			
	Description: Failure to r Self Report? NO	naintain a Customer	Service Inspection progra	m. lassification:	Minor	
	Citation: 30 TAC Ch	naintain working sca	ter D 290.42(e)(4)(C)		•	
	Self Report? NO	,	С	lassification:	Moderate	

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D) 5A THC Chapter 341, SubChapter A 341.036[G] Failure to maintain setbacks to livestock. Description: Classification: Self Report? NO Minor Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) 5A THC Chapter 341, SubChapter A 341.036[G] Failure to provide for commission review an approved sanitary control easement, Description: ordinance, deed or exception letter. Classification: Minor Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(6) Description: Failure to ventilate anhydrous ammonia enclosure. Self Report? Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.42(j) Failure to provide NSF 60 documentation for treatment chemicals. Description: Self Report? Minor NO Classification: 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Description: Failure to have a plant operations manual. Self Report? NO Classification: Minor 30 TAC Chapter 290. SubChapter D 290,46(m) Citation: Description: Failure to maintain intruder resistant fences. Classification: Minor NO Self Report? 30 TAC Chapter 290, SubChapter D 290.43(c)(8) Citation: Description: Failure to maintain storage tanks in according with AWWA standards. Classification: Self Report? NO Minor Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3) Description: Failure to provide a properly designed overflow flap. Self Report? Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.46(f) Description: Failure to maintain operating records according to standards. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(m)(1) Citation: Failure to conduct storage tank inspections Description:

Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF TATUM	§	
RN101255800	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1516-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Tatum ("the City") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a public water supply at 680 Crystal Farms Road in Tatum, Rusk County, Texas (the "Facility") that has approximately 520 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 3. The City received notice of the violations alleged in Section II ("Allegations") on or about September 12, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Two Thousand Three Hundred Forty-Three Dollars (\$2,343) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Eight Hundred Seventy-Five Dollars (\$1,875) of the administrative penalty and Four Hundred Sixty-Eight Dollars (\$468) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the

City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to prevent livestock from being within 50 feet of the water supply well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during an investigation conducted on July 18, 2007.
- 2. Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells, in violation of 30 Tex. ADMIN. Code § 290.41(c)(1)(F), as documented during an investigation conducted on July 18, 2007.
- 3. Failed to provide adequate ventilation to the outside atmosphere for the housed anhydrous ammonia equipment located at Plant No. 1, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(6), as documented during an investigation conducted on July 18, 2007.
- 4. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(1), as documented during an investigation conducted on July 18, 2007.
- 5. Failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks and failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment, in violation of 30 Tex. ADMIN. CODE §§ 290.43(e) and 290.46(m), as documented during an investigation conducted on July 18, 2007.

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- 6. Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f), as documented during an investigation conducted on July 18, 2007.
- 7. Failed to inspect the system's ground and elevated storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on July 18, 2007.
- 8. Failed to provide documentation that all chemicals or replacement process media used in the interior coating applied to the ground storage tank at Plant No. 3 conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for indirect additives, in violation of 30 Tex. ADMIN. CODE § 290.42(j), as documented during an investigation conducted on July 18, 2007.
- 9. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on July 18, 2007.
- 10. Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants, in violation of 30 Tex. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on July 18, 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tatum, Docket No. 2007-1516-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Prepare and begin maintaining a thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42;
- ii. Provide a functional ventilation fan where the anhydrous ammonia is housed, as required by 30 TEX. ADMIN. CODE § 290.42;
- iii. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
- iv. Ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited documenting activities of water line repairs, as required by 30 TEX. ADMIN. CODE § 290.46;
- v. Ensure that the calcium hypochlorination solution container is completely covered and properly sealed, as required by 30 TEX. ADMIN. CODE § 290.42; and
- vi. Conduct an annual inspection of the system's ground and elevated storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Submit documentation to show that the interior coating applied to the ground storage tank at Plant No. 3 conforms to ANSI/NSF 61 Standard, as required by 30 Tex. ADMIN. CODE § 290.42; and
 - ii. Repair the barbed wire on the intruder-resistant fence around the raw water storage tank at Plant No. 2 and trim or remove tree branches and vines that are growing through the fence around the elevated storage tank and standpipe at Plant No. 2, as required by 30 Tex. ADMIN. CODE §§ 290.43 and 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
 - i. Obtain a sanitary control easement that covers the land within 150 feet of each well, as required by 30 Tex. ADMIN. CODE § 290.41 or obtain an exception to the rule, as required by 30 Tex. ADMIN. CODE § 290.39; and
 - ii. Ensure that livestock are not allowed within 50 feet of each well, as required by 30 Tex. ADMIN. CODE § 290.41.

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f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3756

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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City of Tatum DOCKET NO. 2007-1516-PWS-E Page 6

7. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director		3/5/2008 Date
attachen whicen Older on belish	of the entity indicated below m I further acknowledge that the	d Order. I am authorized to agree to the sy signature, and I do agree to the term to TCEQ, in accepting payment for the
 A negative impact on configuration of any personal of this case to the penalties, and/or attorney. Increased penalties in any 	npliance history; ermit applications submitted; he Attorney Genepal's Office for fees, or to a collection agency; future enforcement actions; Attorney General's Office of any f as authorized by law.	
Signature Co-	D	12/12/07
Phil Cory Name (Printed or typed) Authorized Representative of City of Tatum		Mayor the
Instructions: Send the original, signed As Section at the address in Section IV, Parag	greed Order with penalty payment to the raph 1 of this Agreed Order.	e Financial Administration Division, Revenues